



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Adopt Resolution to Approve the Improvement Agreement for the Public Improvements of Vintner's Square and Associated Agreements, Including a Stop Sign on Westgate Drive at Taylor Road and No-Parking Zones on Westgate Drive from Kettleman Lane to Taylor Road, and Appropriate Funds for Required Reimbursements (\$467,000)

MEETING DATE: September 15, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution taking the following action with regard to the Vintner's Square development:

1. Approve the Improvement Agreement for the Public Improvements of Vintner's Square and direct the City Manager and City Clerk to execute the improvement agreement on behalf of the City
2. Authorize the City Manager to execute a Storm Drainage Detention Basin Operation and Maintenance Agreement for the private storm water detention basin to be constructed with the project
3. Authorize the City Manager to execute a Reimbursement Agreement with developer for City-funded facilities and appropriate funds for required reimbursements (\$467,000)
4. Amend Section 2C of Traffic Resolution 97-148 by approving the installation of a stop sign on Westgate Drive at Taylor Road and installation of a no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road
5. Authorize the City Manager to transfer City street right-of-way in Kettleman Lane to Caltrans, execute an amendment to the Agreement for Maintenance of Landscape Area within State Highway 12 Right-of-Way, State Route 12 in the City of Lodi with Caltrans, and a Maintenance Agreement with the developer covering developer's responsibilities for landscape improvements in the Kettleman Lane (State Route 12) right-of-way

BACKGROUND INFORMATION: The project consists of public improvements for the development of a retail commercial shopping center on a 22.50-acre site at the northwest corner of the Kettleman Lane/Lower Sacramento Road intersection, as shown on attached Exhibit A. A Lowe's store is currently under construction on the site.

Improvement Agreement

The improvements include street widening on Lower Sacramento Road and Kettleman Lane, construction of Westgate Drive along the west project boundary to and including the intersection with Taylor Road, modification of the existing traffic signal at the Lower Sacramento Road/Sunwest Marketplace driveway intersection to provide a signalized project access on Lower Sacramento Road, installation of a new traffic signal on Kettleman Lane at Westgate Drive, and the extension of public utilities in Lower Sacramento Road, Taylor Road and in Westgate Drive from Taylor Road to the south side of Kettleman Lane. The plans also provide for the construction of a private temporary storm water detention basin immediately north of the north boundary of the shopping center at the southwest corner of the intersection of Taylor Road and Westgate Drive.

APPROVED:

Janet S. Keeter, Interim City Manager

The developer, Geweke Family Partnership, has furnished the City with the improvement plans, improvement agreement, guarantees, insurance certificate and fees for the proposed development. Developer has previously entered into a Fee Payment Agreement and Addendum to the Fee Payment Agreement recorded in the Office of the San Joaquin County Recorder as Doc. #2002-024181 and Doc. #2003-263312, respectively, covering the payment of the development impact mitigation fees for the project.

Storm Drainage Detention Basin Operation and Maintenance Agreement

The project site is located in the area covered by the Westside Facilities Master Plan, dated January 26, 2001. Since the public storm drainage basin facilities included in the master plan have not yet been constructed, a private temporary storm drainage detention basin is required as a condition of development for the shopping center site. The storm drain facilities for the project include master plan storm drain lines that will allow connection to the future permanent public storm drain system. As set forth in the Improvement Agreement, the developer is required to enter into a separate agreement with the City covering the operation and maintenance of the temporary storm drainage detention basin, as well as future connection to the public storm drain system. The agreement will be prepared by City staff and must be executed by the developer prior to acceptance of the project improvements. Staff requests that Council authorize the City Manager to execute a Storm Drainage Detention Basin Operation and Maintenance Agreement for the private storm water detention basin without further Council action.

Reimbursement Agreement

The developer is eligible for reimbursement for the following work in conformance with LMC 16.40, Reimbursements for Construction:

1. Lower Sacramento Road median modifications, including median pavers, landscaping and irrigation and removal of existing median curb and pavement
2. Kettleman Lane median curb and textured paving
3. Master plan public storm drain lines greater than 30 inches in diameter
4. Oversizing costs for master plan public sanitary sewer lines greater than 10 inches in diameter
5. Oversizing costs for master plan public water mains greater than 8 inches in diameter
6. Fifty percent (50%) of the cost for the major master plan water main crossing in Kettleman Lane at Westgate Drive

Based on the contract bid prices submitted by the developer's contractor, Teichert Construction, the reimbursable costs will be \$467,000, including 10% for engineering design and contract administration. Reimbursements will be in the form of credits against appropriate development impact mitigation fee fund categories.

Under the terms of the above-mentioned Fee Payment Agreement and Addendum to the Fee Payment Agreement, credits for reimbursable costs to each fee fund category shall be applied as a reduction of the outstanding principal balance for that fee category due at the time of final payment for the Fee Payment Agreement. Reimbursements shall be applied when the reimbursable improvements have been constructed and accepted by the City. If the amount of the reimbursement is greater than the remaining outstanding principal balance at the time of development, the balance of the reimbursable costs shall be paid in accordance with LMC §15.64.080.

Under the terms of the Improvement Agreement, if the reimbursable amount for any fee fund category exceeds the outstanding principal balance in that category, the remainder of the reimbursable costs for that

fee fund category shall be reimbursed by City after January 1, 2009, the date of final payment set forth in the above-referenced fee payment agreement and addendum, but no later than March 1, 2009. In accordance with LMC §15.64.080, staff requests that Council authorize the City Manager to execute a Reimbursement Agreement with the developer covering the above conditions for reimbursement.

Traffic Resolution

Vehicle accesses for the proposed shopping center are located on Lower Sacramento Road, Kettleman Lane, and Westgate Drive just north of Kettleman Lane. Westgate Drive, located west of the shopping center, will intersect Taylor Road, creating a three-way intersection. Taylor Road will continue to carry local residential traffic. Westgate Drive at Taylor Road will primarily serve the local residential traffic accessing Kettleman Lane and the new shopping center. For traffic safety and circulation, staff recommends installing a stop sign on Westgate Drive at Taylor Road.

As part of the Westside Master Plan, Westgate Drive was designed to accommodate one travel lane and a bicycle lane in each direction, a raised landscaped median, and left-turn lanes at Kettleman Lane and the shopping center's southerly driveway. The proposed no-parking zone is necessary to accommodate the proposed striping.

A new signal will be constructed at Kettleman Lane and Westgate Drive. The existing signal at the Sunwest Market Place (Safeway) and Lower Sacramento Road intersection will be modified to create a four-legged signalized intersection. The original Lower Sacramento Road widening project/traffic study (Kettleman Lane to Turner Road) anticipated that the Lower Sacramento Road median at the Taylor Road intersection would be modified to limit turn movements at the time of construction of a secondary access, Westgate Drive. Since Westgate Drive is being constructed as part of this project, the Lower Sacramento Road median will be modified to allow right and left turns onto Taylor Road from Lower Sacramento Road and limit turning movements from Taylor Road to Lower Sacramento Road to right turns only.

Caltrans Right-of-Way and Maintenance Agreements

Dedication of street right-of-way in Kettleman Lane has been required by Caltrans as a condition of the Caltrans encroachment permit for the installation of required street improvements for the shopping center. The required Kettleman Lane street right-of-way was previously dedicated to the City by the developer. Staff requests that Council authorize the City Manager to transfer the street right-of-way in Kettleman Lane to Caltrans to fulfill the requirements of the Caltrans encroachment permit.

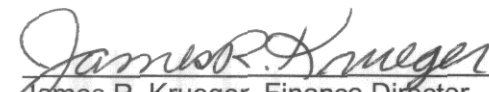
The installation of landscape and irrigation improvements in the parkway area between the curb and sidewalk along Kettleman Lane requires a Caltrans encroachment permit and maintenance agreement. Caltrans will not issue encroachment permits or enter into agreements with private parties for this type of work. Since the City has an existing maintenance agreement with Caltrans (Agreement for Maintenance of Landscape Area Within State Highway Right of Way, State Route 12 in the City of Lodi), approved by Council in December 2001 in conjunction with the Kettleman Lane median project, staff requests that Council approve the following actions:

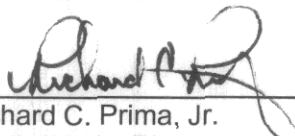
1. A Caltrans encroachment permit for landscape and irrigation improvements being installed with the Vintner's Square project in the parkway within the Kettleman Lane right-of-way shall be obtained by the City.
2. Authorize the City Manager to execute an amendment to the above-mentioned Caltrans maintenance agreement to include maintenance of those improvements.

Adopt Resolution to Approve the Improvement Agreement for the Public Improvements of Vintner's Square and Associated Agreements, Including a Stop Sign on Westgate Drive at Taylor Road and No-Parking Zones on Westgate Drive from Kettleman Lane to Taylor Road, and Appropriate Funds for Required Reimbursements (\$467,000)
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3. Authorize the City Manager to execute a maintenance agreement with the developer covering developer's maintenance responsibilities for the landscape and irrigation improvements in the Kettleman Lane right-of-way.

FUNDING:	IMF Streets-Regional	\$ 189,500
	IMF Water	\$ 52,500
	IMF Sewer	\$ 17,500
	IMF Storm Drain	<u>\$ 207,500</u>
	Total	\$ 467,000


James R. Krueger, Finance Director


Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW

Attachment

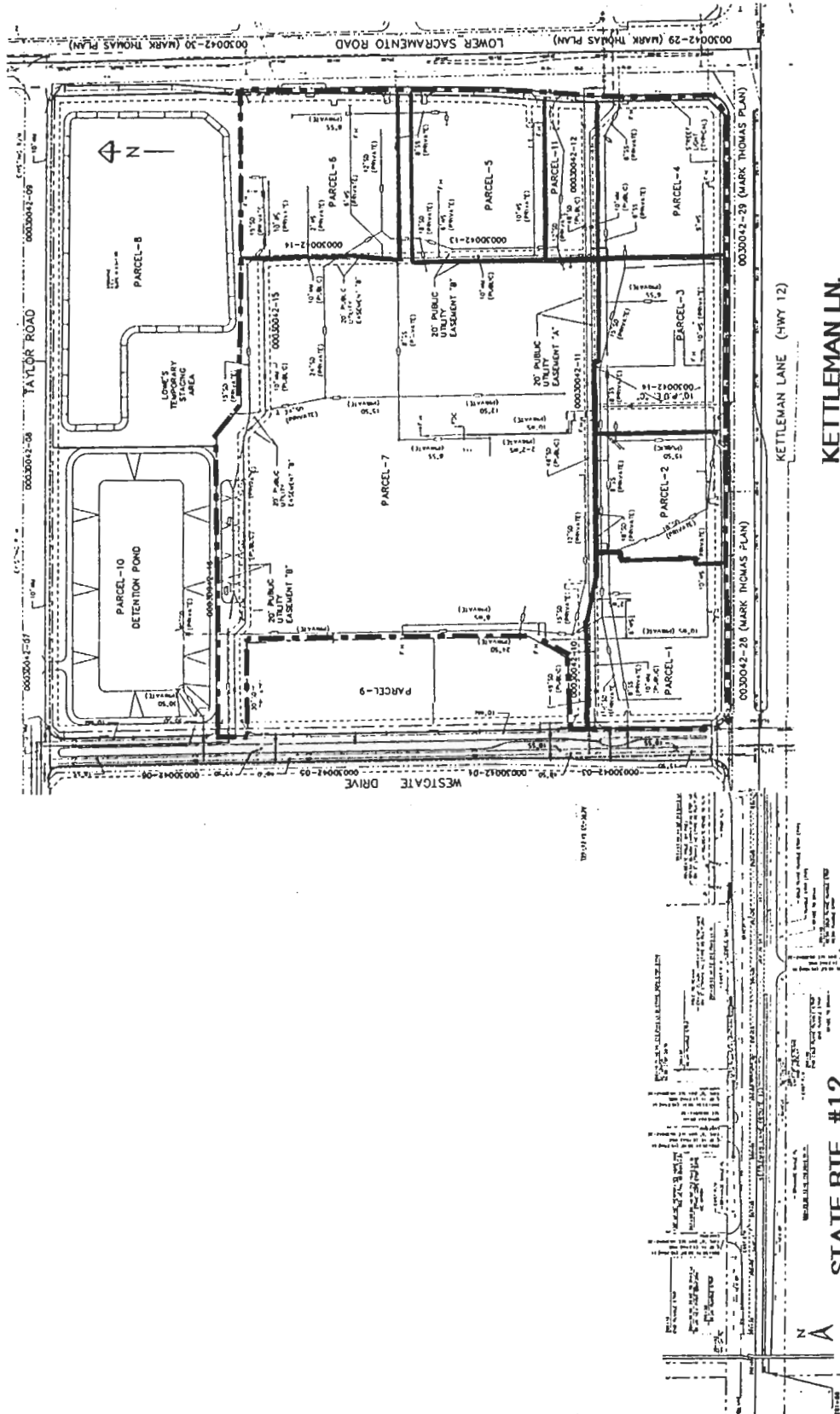
cc: Senior Civil Engineer Fujitani
Senior Civil Engineer Welch
Senior Traffic Engineer
Streets Superintendent
Geweke Family Partnership
Phillippi Engineering
Mark Thomas & Company, Inc.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VINTNERS SQUARE

STATE RTE. #12

RESOLUTION NO. 2004-193

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS
OF VINTNER'S SQUARE AND ASSOCIATED AGREEMENTS AND
AMENDING TRAFFIC RESOLUTION 97-148 BY APPROVING STOP
CONTROL ON WESTGATE DRIVE AT TAYLOR ROAD AND
NO-PARKING ZONES ON WESTGATE DRIVE FROM KETTLEMAN
LANE TO TAYLOR ROAD, AND FURTHER APPROPRIATE FUNDS
FOR THE REQUIRED REIMBURSEMENTS

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WHEREAS, the project consists of public improvements for the development of a retail commercial shopping center on a 22.50-acre site at the northwest corner of the Kettleman Lane/Lower Sacramento Road intersection, as shown on attached Exhibit A. A Lowe's store is currently under construction on the site; and

WHEREAS, staff recommends approval of the following items regarding the Vintner's Square development:

1. Approve the Improvement Agreement for the Public Improvements of Vintner's Square and direct the City Manager and City Clerk to execute the improvement agreement on behalf of the City; and
2. Authorize the City Manager to execute a Storm Drainage Detention Basin Operation and Maintenance Agreement for the private storm water detention basin to be constructed with the project; and
3. Authorize the City Manager to execute a Reimbursement Agreement with the developer for City-funded facilities and appropriate funds for required reimbursements (\$467,000); and
4. Amend Section 2C of Traffic Resolution 97-148 by approving the installation of a stop sign on Westgate Drive at Taylor Road and the installation of a no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road; and
5. Authorize the City Manager to transfer City street right-of-way in Kettleman Lane to Caltrans, execute an amendment to the Agreement for Maintenance of Landscape Area within State Highway 12 Right-of-Way, State Route 12 in the City of Lodi with Caltrans, and a Maintenance Agreement with the developer covering developer's responsibilities for landscape improvements in the Kettleman Lane (State Route 12) right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Improvement Agreement for the Public Improvements of Vintner's Square and Associated Agreements as listed above; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement and other Associated Agreements on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the City Council hereby amends Traffic Resolution 97-148 by approving Amendment to Section 2C of Traffic Resolution 97-148 by approving the installation of a stop sign on Westgate Drive at Taylor Road and installation of a no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road; and

BE IT FURTHER RESOLVED that funds in the amount of \$467,000 be appropriated for reimbursement to the developer for the following work subject to the terms of the Reimbursement Agreement:

1. Lower Sacramento Road median modifications, including median pavers, landscaping and irrigation, and removal of existing median curb and pavement.
2. Kettleman Lane median curb and textured paving.
3. Master plan public storm drain lines greater than 30 inches in diameter.
4. Oversizing costs for master plan public sanitary sewer lines greater than 10 inches in diameter.
5. Oversizing costs for master plan public water mains greater than 8 inches in diameter.
6. Fifty percent (50%) of the cost for the major master plan water main crossing in Kettleman Lane at Westgate Drive.

BE IT FURTHER RESOLVED that \$467,000 be appropriated from the following funds:

IMF Streets-Regional	\$ 189,500
IMF Water	\$ 52,500
IMF Sewer	\$ 17,500
IMF Storm Drain	<u>\$ 207,500</u>
Total	\$ 467,000

Dated: September 15, 2004

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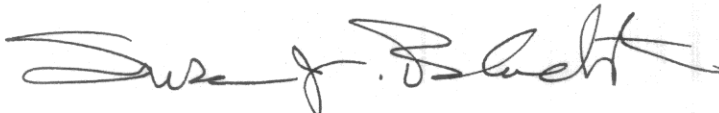
I hereby certify that Resolution No. 2004-193 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



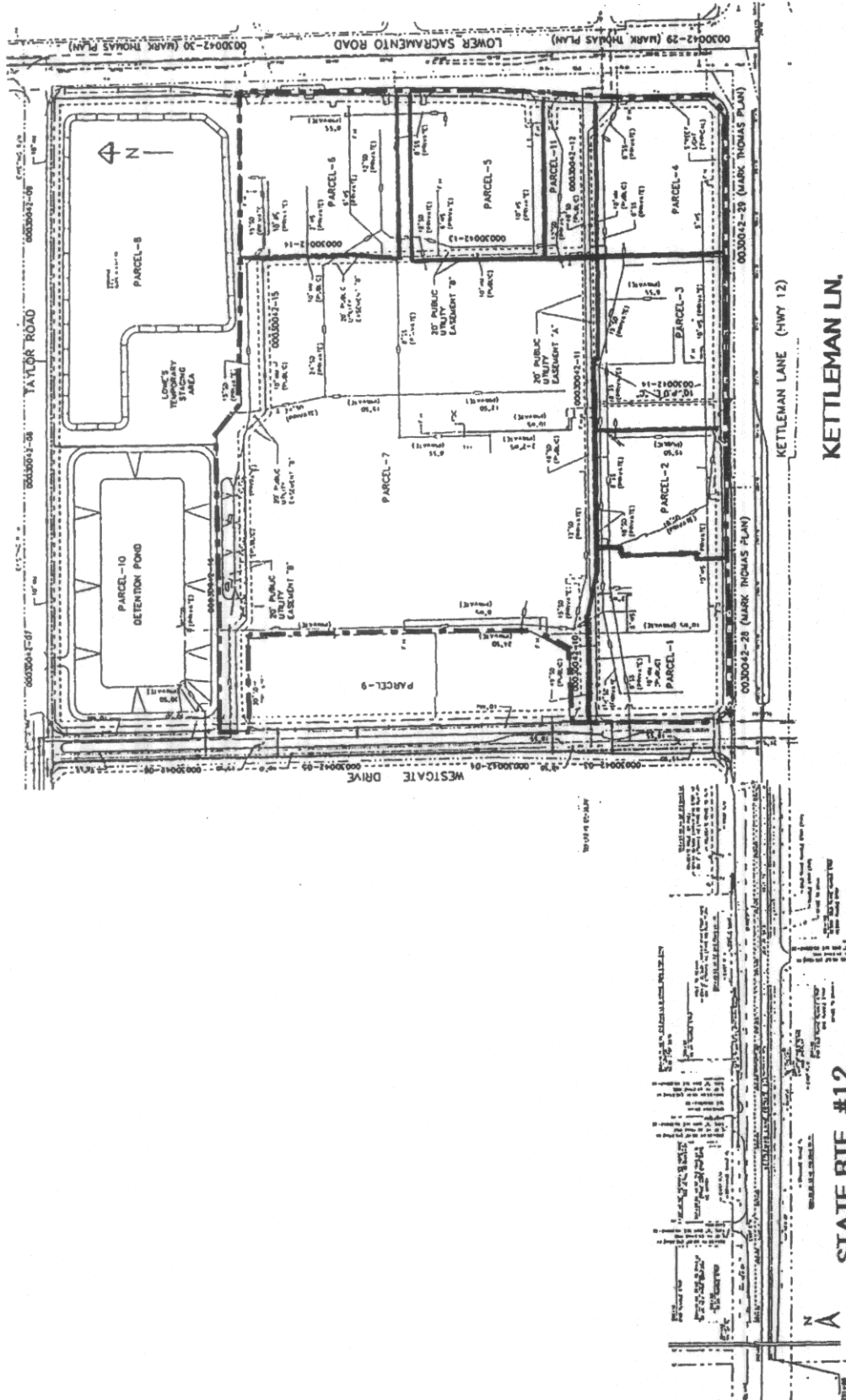
SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VINTNERS SQUARE

STATE RTE. #12

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

September 9, 2004

Geweke Family Partnership
P.O. Box 1210
Lodi, CA 95241

Phillippi Engineering
P.O. Box 6556
Vacaville, CA 95696

Mark Thomas & Company, Inc.
7300 Folsom Blvd., Ste. 203
Sacramento, CA 95826

SUBJECT: Adopt Resolution to Approve the Improvement Agreement for the Public Improvements of Vintner's Square and Associated Agreements, Including a Stop Sign on Westgate Drive at Taylor Road and No-Parking Zones on Westgate Drive from Kettleman Lane to Taylor Road, and Appropriate Funds for Required Reimbursements (\$467,000)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, September 15, 2004. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Wally Sandelin, City Engineer, at (209) 333-6709.

P. Prima

for:
Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk